

FEB 18 2015

## SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE  
EASEMENT FOR THE TIDE POOL STAIRS ENCROACHMENT PURPOSES IN  
THE MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT ON THE  
ISLAND OF LANAI.

1 WHEREAS, the tidepool stairs and an associated swimming  
2 hole in the Manele-Hulopoe Marine Life Conservation District on  
3 the island of Lanai were created by the International Longshore  
4 and Warehouse Union during the Lanai pineapple strike of 1951  
5 and were reconstructed in 2006 to include a guard rail; and  
6

7 WHEREAS, the stairs, which were established prior to  
8 October 1, 1964, occupy 25 square feet seaward of parcel 002,  
9 Pulawai, Lanai, identified by Tax Map Key: (2) 4-9-17; and  
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11 WHEREAS, the Office of Conservation and Coastal Lands of  
12 the Department of Land and Natural Resources concluded, after a  
13 visit to the site, that no further permits would be required for  
14 the stairs or their 2006 repair; and  
15

16 WHEREAS, the Office of Conservation and Coastal Lands  
17 concluded that:  
18

19 (1) The portion of the stairs in the Conservation District  
20 qualifies as a non-conforming use which is defined to  
21 mean "...the lawful use of any... premises or land  
22 ...established prior to October 1, 1964" and that the  
23 repair to the stairs is exempt under section 13-5-  
24 7(e), Hawaii Administrative Rules, relating to repair  
25 or maintenance of a nonconforming structure; and  
26

27 (2) The stairs were built prior to the enactment of  
28 Chapter 343, Hawaii Revised Statutes, the



1 Environmental Impact Statement law, and are therefore  
2 exempt from the chapter; and  
3

4 WHEREAS, Lānaʻi Resorts, LLC, dba Pulama Lanai, agreed to a  
5 security deposit of \$250,000 to be applied to any future  
6 consideration amount or other applicable charges, and has  
7 provided to the Department of Land and Natural Resources a CAD  
8 map with a metes and bounds of the leased area, prepared by a  
9 licensed surveyor; and  
10

11 WHEREAS, on June 13, 2014, the Board of Land and Natural  
12 Resources approved Pulama Lanai's request for a 55-year term,  
13 non-exclusive easement for the tide pool stairs encroachment  
14 purposes; and  
15

16 WHEREAS, section 171-53(c), Hawaii Revised Statutes,  
17 requires the approval of the Governor and prior authorization of  
18 the Legislature by concurrent resolution for the leasing of  
19 state submerged lands and lands beneath tidal waters; now,  
20 therefore,  
21

22 BE IT RESOLVED by the Senate of the Twenty-eighth  
23 Legislature of the State of Hawaii, Regular Session of 2015, the  
24 House of Representatives concurring, pursuant to section 171-53,  
25 Hawaii Revised Statutes, that the Board of Land and Natural  
26 Resources is authorized to issue a term lease of fifty-five  
27 years and non-exclusive easement for 25 square feet seaward of  
28 parcel 002, Pulawai, Lanai, identified by Tax Map Key: (2) 4-9-  
29 17 for the tide pool stairs encroachment purposes; and  
30

31 BE IT FURTHER RESOLVED that a certified copy of this  
32 Concurrent Resolution be transmitted to the Chairperson of the  
33 Board of Land and Natural Resources.  
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35  
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OFFERED BY:

*J. Kelani Eglish*

